

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TARYN CHRISTIAN,)	CIV. NO. 04-00743 DAE-LEK
)	
Plaintiff,)	DECLARATION OF
)	MARGO E.R. EVANS
vs.)	
)	
CLAYTON A. FRANK, Director,)	
STATE OF HAWAI'I,)	
DEPARTMENT OF PUBLIC SAFETY,)	
)	
Respondents.)	
)	

DECLARATION OF MARGO E.R. EVANS

I, MARGO E.R. EVANS, do declare as follows:

1. That Declarant is an Investigator for the Department of the Prosecuting Attorney, County of Maui, and is assigned to the above-entitled case;
2. That Declarant has also been assigned to respond to the Court's April 4, 2008 Order pertaining to continuing discovery in the above-entitled matter;
3. That on April 8, 2008, Declarant, along with First Deputy Prosecuting Attorney Peter Hanano, and Deputy Prosecuting Attorney Richard Minatoya, requested to view all evidence being held at the Maui Police Department in connection with MPD police report #95-39250;

4. That April 9, 2008, at about 11:00 a.m., Declarant, along with the aforementioned individuals met with MPD Evidence Custodian Shiela Kimura to view all evidence being held at the Maui Police Department in connection with police report #95-39250;

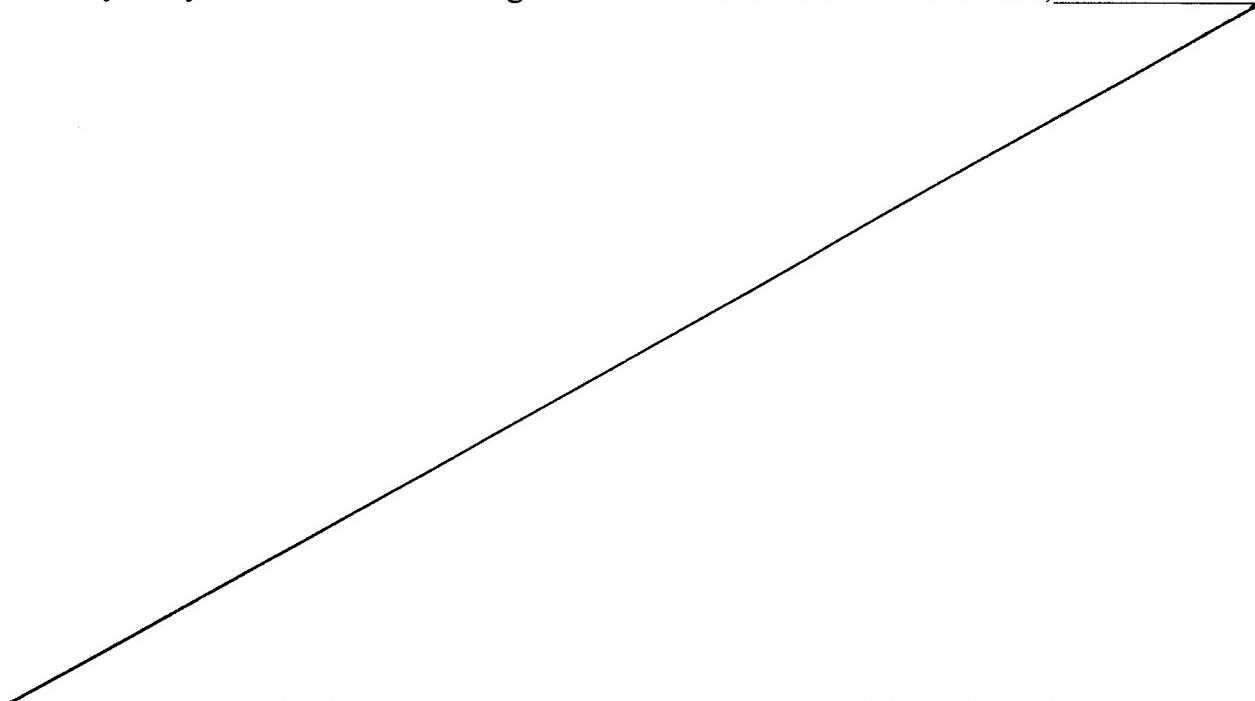
5. That pursuant to the meeting and a review of the evidence, Declarant determined that the following original audio cassette tape recordings were in the custody of the MPD: Telephone conversation between Lisa Kimmey and Taryn Christian; 911 call; Statement of Patricia Mullins; Statement of Wayne Barrileaux; Statement of Darrel Macadangdang and Tammy Lee Dooley; Statement of Laura Lei Gorospe; Statement of Megan Kimmey; Statement of Danny Macadangdang; Interview between Det. Hervina Santos and James H. Burkhart (See attached Exhibit "A", which is a true and accurate copy of the memorandum which memorializes the result of the meeting with MPD Evidence Custodian, Shiela Kimura);

6. That pursuant to the meeting and a review of the evidence, Declarant determined that the following original video tape recordings were in the custody of the MPD: Gas Express (First Hawaiian Bank - outside); Gas Express (Office); Interviews of MCCC inmates (Todd Nishihara, Paul Richardson, David Auld); Hidden camera at the wake service; Autopsy of Vilmar Cabaccang; Statement of Mrs. L. Smith;

7. That pursuant to the meeting and review of the evidence, Declarant could not locate within the possession of MPD, any original or copies of tape recorded statements made by Serena Seidel, Phil Schmidt, or Tesha Santana;

8. That pursuant to the meeting and a review of the evidence, Declarant determined that the MPD does not currently have ANY swabs associated with the case within its custody;

9. That Declarant is also investigating the whereabouts of the "Arizona" brand black and white stripped shorts belonging to Serena Seidel and has determined that the shorts were apparently listed on the Defense Trial Exhibit List; and it is currently undetermined whether the shorts were inadvertently destroyed by the State court along with other evidence from the case; _____



10. That Declarant is currently in communication with the State court clerk regarding the whereabouts of the "Arizona" brand shorts and will immediately notify Petitioner, through First DPA Peter Hanano, if the shorts are located;

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

DATED: Wailuku, Hawaii, April 9, 2008.

Margo E.R. Evans

MARGO E.R. EVANS
Investigator V
Department of the Prosecuting Attorney
County of Maui